



FREDERICK COUNTY BOARD OF APPEALS

December 15 , 2022

TITLE: **Curtis Cumberland**

FILE NUMBER: **B-22-34 (B273783)**

REQUEST: Requesting a Special Exception, pursuant the Frederick County Code Sections 1-19-3.210, Special Exceptions and 1-19-8.322.1. Private Aircraft Landing and Storage Areas In A, LI And GI Districts. The Applicant is proposing a 1,400 ft private grass landing strip.

PROJECT INFORMATION:

ADDRESS/LOCATION:	11606 Handboard Rd. Union Bridge MD. 21701
TAX MAP/PARCEL:	Tax Map 35, Parcel 78
COMP. PLAN:	Agricultural/Rural and Natural Resources
ZONING:	Agricultural (A)
PLANNING REGION:	Walkersville
WATER/SEWER:	NPS/NPS
LOT SIZE:	165 Acres

APPLICANT/REPRESENTATIVES:

APPLICANT:	Curtis and Maryanne Cumberland
OWNER:	(same)
ENGINEER:	N/A
ARCHITECT:	N/A
ATTORNEY:	N/A

STAFF: Michael A. Paone, Zoning Planner I

RECOMMENDATION:

Staff does not object to the approval of the special exception under the applicable County Code sections. This use is subject to Site Development plan approval by the County Planning Commission. This use also requires Building Permit review and approval and the issuance of a Certificate of Occupancy prior to establishing or starting this use.

Enclosures:

Exhibit #1 – Proposed Landing Strip
Exhibit #2 – Aerial Map
Exhibit #3 – Zoning Map
Exhibit #4 – Env. Features Map Exhibit
Exhibit #5 – Comp. Plan Map

STAFF REPORT

BACKGROUND

The Property is zoned Agricultural (A) and is 165 acres in size. Curtis Cumberland (the "Applicant"), requests the Board of Zoning Appeals consideration and approval of a special exception in accordance with §1-19-8.322.1. Private Aircraft Landing and Storage Areas In A, LI And GI Districts. This use is subject to Site Development plan approval by the County Planning Commission. This use also requires Building Permit review and approval and the issuance of a Certificate of Occupancy prior to establishing or starting this use.

§ 1-19-3.210. SPECIAL EXCEPTIONS.

(A) An application for a special exception may be made only by persons with a financial, contractual or proprietary interest in the property for which a special exception is requested.

The Applicants, Curtis Cumberland and Maryanne Cumberland, state that they are the owners of the Property.

(B) A grant of a special exception is basically a matter of development policy, rather than an appeal based on administrative error or on hardship in a particular case. The Board of Appeals should consider the relation of the proposed use to the existing and future development patterns. A special exception shall be granted when the Board finds that:

- (1) The proposed use is consistent with the purpose and intent of the Comprehensive Development Plan and of this chapter; and

The Applicants state the use is rural in nature and will only be used by the Applicant for their own aircraft.

- (2) The nature and intensity of the operations involved in or conducted in connection with it and the size of the site in relation to it are such that the proposed use will be in harmony with the appropriate and orderly development of the neighborhood in which it is located; and

The Applicants state that the proposed use will only create any noise when the aircraft takes off and lands. The Applicants further state that, as they will be the only persons using the Landing Strip. There will be virtually no impact on the surrounding community.

- (3) Operations in connection with the special exception at the proposed location shall not have an adverse effect such as noise, fumes, vibration or other characteristics on neighboring properties above and beyond those inherently associated with the special exception at any other location within the zoning district; and

The Applicants state that the proposed use will only create noise when the aircraft takes off and lands. The Applicants further state that, as the only persons using the Landing Strip, there will be virtually no impact on the surrounding community.

- (4) Parking areas will comply with the off street parking regulations of this chapter and will be screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The Applicants state that there will be no need for any additional off street parking.

- (5) The road system providing access to the proposed use is adequate to serve the site for the intended use.

The Applicants state that there will be no increase in traffic to the Property and no need for any traffic related improvements.

- (C) In addition to the general requirements listed above, uses requiring a special exception shall be subject to the specific requirements for each use outlined in §§ [1-19-8.320](#) through [1-19-8.355](#) of this Code.

The Applicants state that they understand this requirement.

- (D) A special exception approval may be granted in accordance with the general and specific requirements enumerated in this section. The Board of Appeals may, in addition to other requirements imposed under this chapter and is hereby authorized to add to the specific requirements any additional conditions that it may deem necessary to protect adjacent properties, the general neighborhood, and its residents or workers. Violation of such additional conditions, when made a part of the terms under which the special exception permit is granted, is a violation of this chapter and may be grounds for termination of the special exception.

- (E) The Board of Appeals shall not grant a special exception unless and until:

- (1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested; and

The Applicants state that they understand this requirement and are going through this process.

- (2) A public hearing has been held; and the Board had made a finding of fact that the special exception requested meets the general and specific requirements outlined in this section.

The Applicants state that they understand this requirement and are going through this process.

- (F) The grant of special exception may include approval of customary incidental accessory uses as reviewed and approved by the Zoning Administrator.

The Applicants state that they understand this requirement.

- (G) No use or activity permitted as a special exception shall be enlarged or extended beyond the limits authorized in the grant of special exception. All enlargements, extensions, and changes in use shall require grants of special exception, as in the case of an original petition.

The Applicants state that they understand this requirement.

- (H) If a grant of special exception is denied, no new petition for the denied use on the same property shall be accepted by the Board of Appeals for 1 year after the date of denial of the petition.

The Applicants state that they understand this requirement.

- (I) A decision of the Board of Appeals granting a special exception will be void 5 years from date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the applicant, a 1 time extension may be granted by the Zoning Administrator for a period not to exceed 6 months.

The Applicants state that they understand this requirement.

§ 1-19-8.322.1. PRIVATE AIRCRAFT LANDING AND STORAGE AREAS IN A, LI AND GI DISTRICTS. The following provisions shall apply to private aircraft landing and storage areas in A, LI and GI Districts.

- (A) Minimum lot size: 25 acres.

The Applicants state that the Property is 165 acres.

- (B) Principal user: owner of parcel.

The Applicants state that they own this property.

- (C) Intensity of use: no more than 2 aircraft may use the airfield or storage area.

The Applicants state that they understand this requirement.

- (D) Aircraft: limited to those which at 95°F require a maximum of 1,800 feet or less of runway surface as recommended by the specific aircraft manufacturers.

The Applicants state that their aircraft meets or will meet this requirement.

- (E) Clear zone: must be provided at both approach and departure end of runway. Such zone shall be a symmetrical trapezoid with a length of 1,000 feet and with the parallel sides being 176 feet (adjacent to end of runway) and 317 feet respectively. Such zone shall be provided as specified herein unless modified in accordance with Maryland Aviation Administration (MAA) Guidelines and approved by the Zoning Administrator. No structures are permitted within the clear zone. The clear zone must be under the ownership of the airfield owner.

The Applicants state that they understand this requirement, and have shown this in the drawing that the MAA assisted them with.

- (F) Area of operation: no operation will be permitted within 100 feet of a property line, or 1,000 feet of any public or private institution devoted to education or human care.

The Applicants state that they understand this requirement.

- (G) Use limited: the airfield will not be for the use of instruction or training.

The Applicants state that this is for their own private use.

- (H) The facility, activities, and aircraft operators shall meet all applicable federal and state regulations and licensing requirements.

The Applicants state that they understand and will meet this requirement.

RECOMMENDATION

Staff does not object to approval of the special exception in accordance with the applicable special exception requirements. However, this use is subject to Site Development plan approval by the County Planning Commission.

This use also requires Building Permit review and approval and the issuance of a Certificate of Occupancy prior to establishing or starting this use.

1-19-.3.210.I: A decision of the Board of Appeals granting a special exception will be void 5 years from the date of approval by the Board of Appeals unless the use is established, a building permit is issued, construction has begun, or final site development plan approval has been received in the accordance with the terms of the decision. Upon written request submitted to the Zoning Administrator no later than 1 month prior to the expiration date and for good cause shown by the Applicant, a time extension may be granted by the Zoning Administrator for a period not to exceed 6 months

Exhibit #1: Proposed Landing Strip



Exhibit #2: Aerial Map

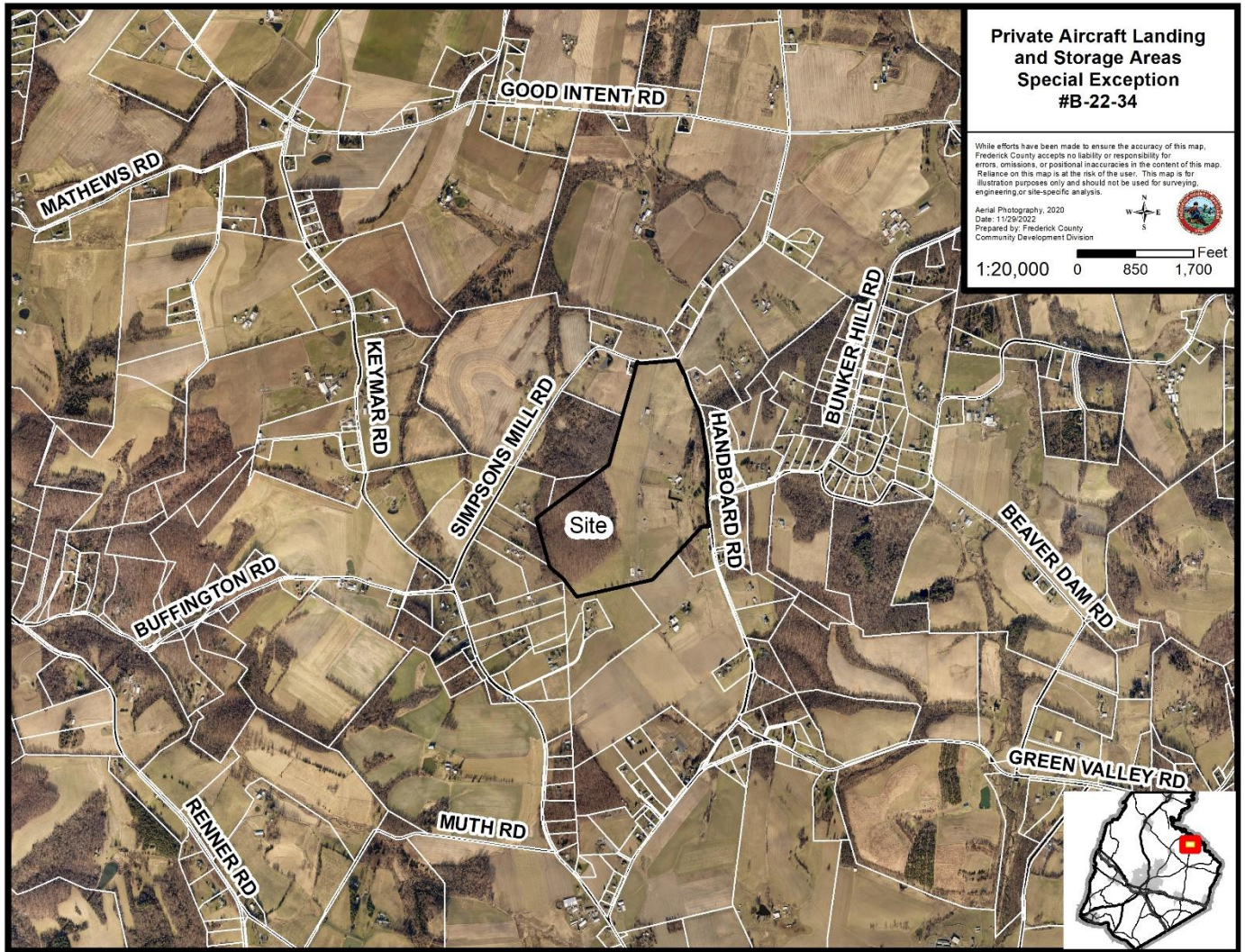


Exhibit #3 Zoning Map

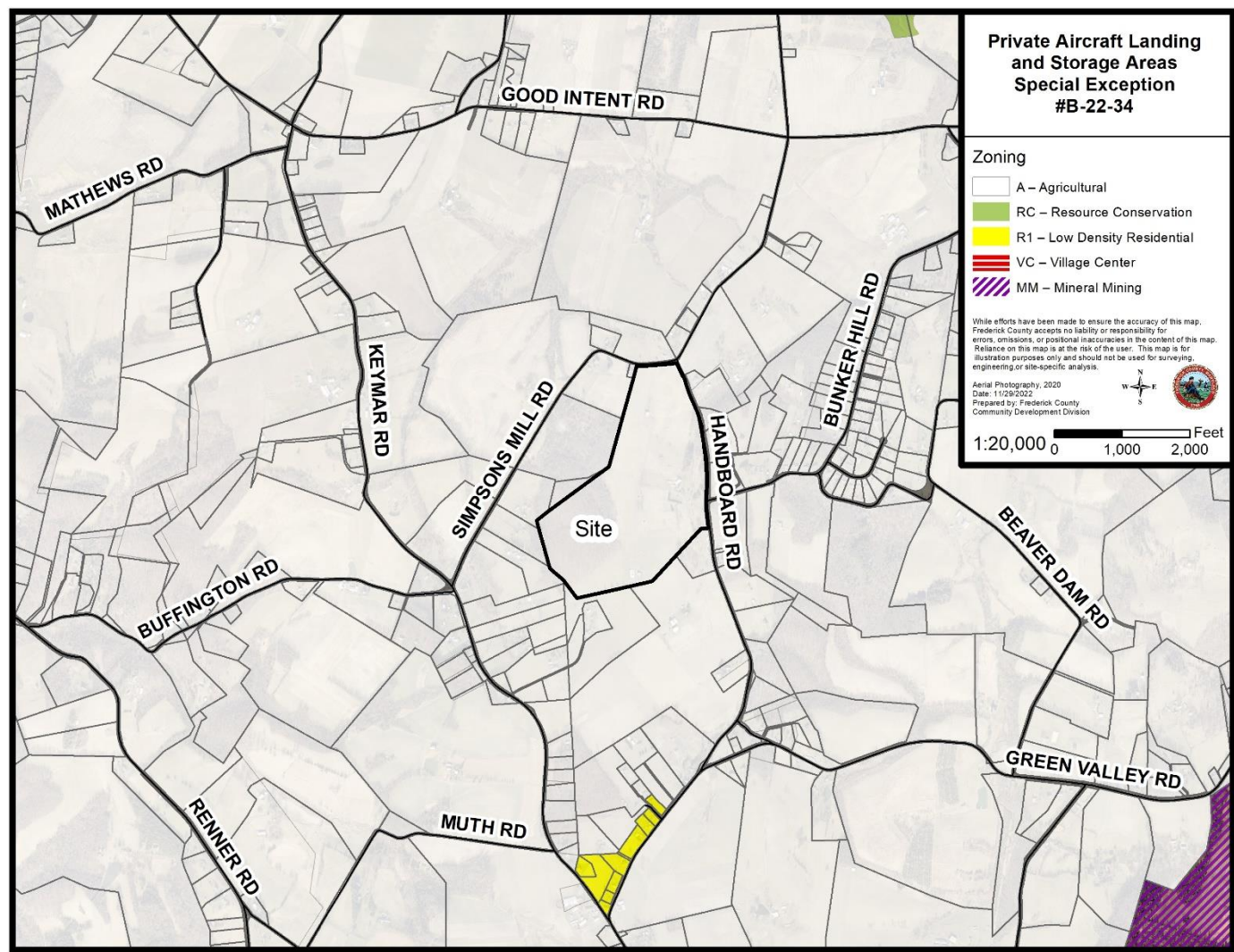


Exhibit #4 Environmental Features Map

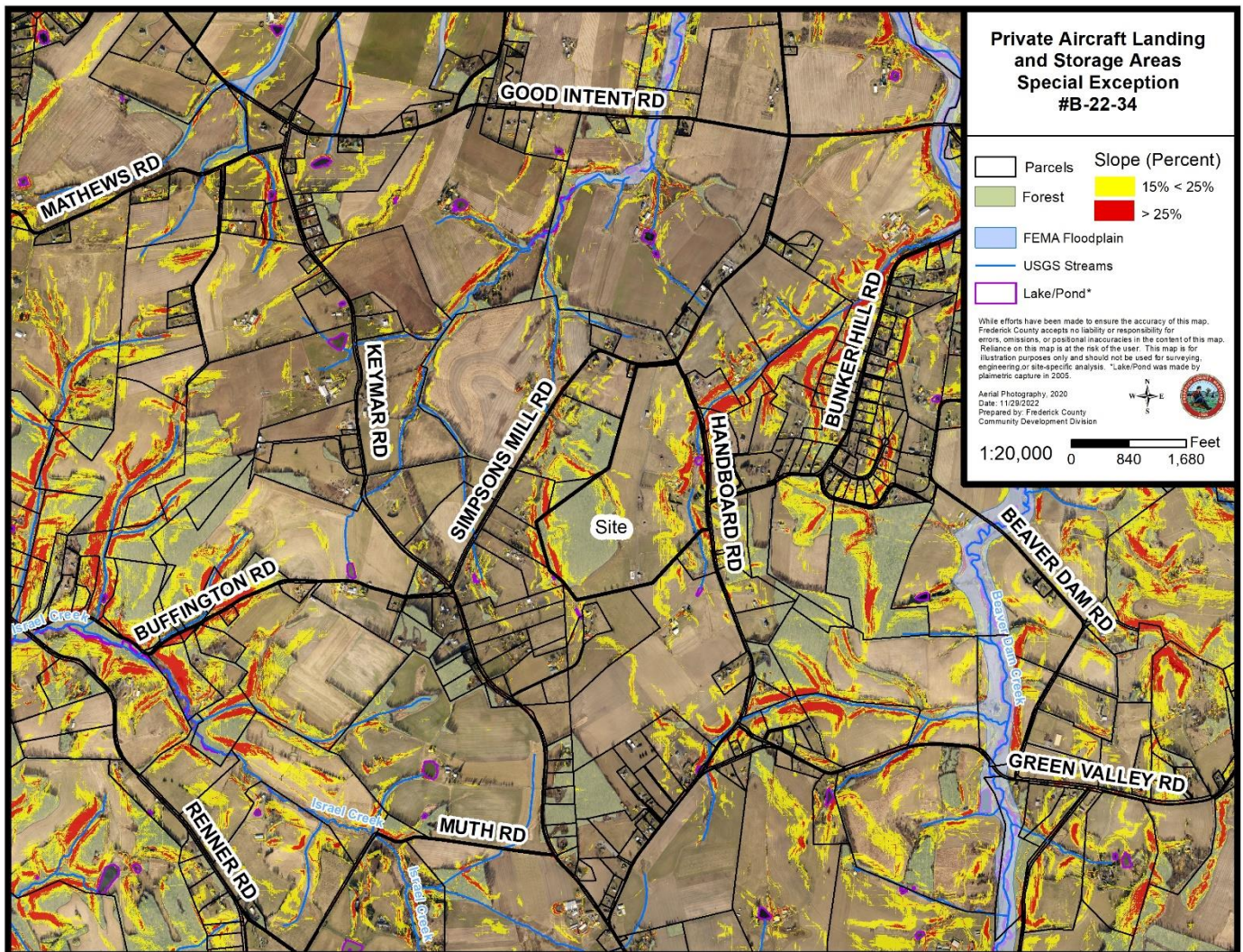


Exhibit #5 Comprehensive Plan Map

